



General Assembly

January Session, 2017

**Committee Bill No. 442**

LCO No. 5565

\* \_\_\_\_\_SB00442PH\_\_\_\_\_032917\_\_\_\_\_\*

Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***AN ACT CLARIFYING THE RIGHT TO ENFORCE ANTITRUST LAWS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) In any action brought under  
2       subsection (c) of section 35-32 of the general statutes or seeking treble  
3       damages under section 35-35 of the general statutes, a defendant that  
4       sells, distributes or otherwise disposes of any drug or device, as  
5       defined in 21 USC 321, as amended from time to time:

6       (1) May not assert as a defense that the defendant did not deal  
7       directly with the person on whose behalf the action is brought; and

8       (2) May, in order to avoid duplicative liability, prove, as a partial or  
9       complete defense against a damage claim, that all or any part of an  
10      alleged overcharge for a drug or device ultimately was passed on to  
11      another person by a purchaser or a seller in the chain of manufacture,  
12      production or distribution of the drug or device that paid the alleged  
13      overcharge.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>from passage</i>	New section
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***PH***      *Joint Favorable*